

AO 91 (Rev. 08/09) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

Eastern District of California

**FILED**

JAN 02 2020

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY 268 DEPUTY CLERK

United States of America )

v. )

Pao VANG aka "Clownsy," Jhovanny DELGADO  
aka "Jhio," and Johnny XIONG )

Case No. )

9:20MJ00002 SKO )

Defendant(s)

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 17, 2019 in the county of Fresno in the  
Eastern District of California, the defendant(s) violated:*Code Section*  
18 USC § 1959(a)(5)*Offense Description*  
Conspiracy to Commit Murder in Aid of RacketeeringPenalties: 10 years' imprisonment, \$250,000 fine, three years' supervised  
release, \$100 special assessment

This criminal complaint is based on these facts:

See Attached Affidavit of Task Force Officer Cory Hastings, which is incorporated herein by reference.

☒ Continued on the attached sheet.Cory Hastings, Task Force Officer  
*Printed name and title*

Sworn to before me and signed in my presence.

Date:

January 2, 2020*Judge's signature*

City and state:

Fresno, CaliforniaSheila K. Oberto, U.S. Magistrate Judge  
*Printed name and title*

**AFFIDAVIT IN SUPPORT OF COMPLAINT**

I, Cory Hastings, being duly sworn, hereby declare as follows:

**I. INTRODUCTION**

**A. Purpose of the Affidavit**

1. I make this Affidavit to support a Complaint charging that Pao VANG aka "Clownsy," Jhovanny DELGADO aka "Jhio," and Johnny XIONG on or about November 17, 2019, did conspire to commit murder in aid of racketeering, in violation of Title 18, United States Code, Section 1959(a)(5).

**B. Agent Background**

2. I am an investigative or law enforcement officer as set forth in California Penal Code Section 629.50(a)(1) and a peace officer within the meaning of California Penal Code (PC) Section 830.

3. I attended and completed the Basic Police Academy in 2009 at Fresno City College where I received my basic Peace Officer Standards and Training (POST) certificate. I have been a peace officer for more than nine years and am presently employed by the Fresno Police Department.

4. During my employment with the Fresno Police Department, I have worked in a variety of assignments including, but not limited to: Multi-Agency Gang Enforcement Consortium (MAGEC), North Bureau Impact Team (NBIT), Violent Crime Impact Team (VCIT), Gun Crimes Units (GCU), and the Street Violence Bureau-robbery division.

5. I am currently assigned to the Federal Bureau of Investigation (FBI) Safe Streets Task Force as a task force officer (TFO). I am deputized as a Special Federal Officer and Special-U.S. Marshal to investigate violations of the United States Code as defined in Title 18 and Title 21, United States Code, and Title 28, of the Federal Code of Regulations.

6. I have an advanced Peace Officer Standardized Training (POST) certificate and a Bachelor's of Science in the field of criminology from California State University in Fresno, California. Throughout my law enforcement career, I have attended trainings and conducted investigations relating to criminal street gangs, organized crime, violent crimes, firearms, controlled

1 substances, and other areas of law enforcement.

2 7. Throughout my career I have investigated violent crimes such as stabbings, shootings,  
3 robberies, kidnappings, carjackings, home-invasion robberies, homicides, and drug-trafficking  
4 operations. As part of these investigations, my duties consisted, in part, of assisting other law  
5 enforcement units, including the homicide unit. These specific duties include the documentation and  
6 control of crime scenes, identifying and documenting related evidence, identifying involved parties, and  
7 obtaining detailed statements from victims, witnesses, and suspects involved in the above-mentioned  
8 violent crimes.

9 8. During the course of my career in law enforcement, I have interviewed more than 500  
10 subjects involved in criminal activity, conducted surveillance of criminal subjects, used confidential  
11 informants, and worked in an undercover capacity. Through these experiences, I have learned about  
12 many aspects of criminal activity, gang sub-cultures, gang rivalries, and methods of operation.

13 9. I have both led and assisted in the investigation of numerous criminal investigations  
14 involving gangs and violent crimes. These investigations have ranged in complexity from multiple  
15 victim homicide investigations to simple narcotic possession. I have personally investigated and made  
16 arrests on cases both gang- and non-gang related matter, that include firearm possessions, homicides,  
17 assault with deadly weapons, burglaries, and other violent crimes.

18 10. I have personally investigated or participated in the investigation of over 500 persons  
19 involved in, among other things, participation in a criminal street gangs, physical assaults, sexual  
20 assaults, conspiracy, embezzlement, attempted homicide, homicide, kidnapping, distribution and use of  
21 illegal narcotics, sale of illegal narcotics, defined by the United States Department of Justice (U.S.  
22 D.O.J.) as: complex organizations with highly defined command-and-control structures that produce,  
23 transport, and/or distribute quantities of one or more illicit drugs.

24 11. I have authored affidavits in support of search warrants within the Fresno Superior Court  
25 and the United States District Court for the Eastern District of California. Additionally, I have served  
26 numerous felony arrest warrants and/or search warrants and have conducted hundreds of probation and  
27 parole searches involving persons suspected of criminal activity.

28 12. I have personally participated in the investigation set forth below. I am familiar with the

facts and circumstances of the investigation through my personal participation; from discussions with other agents of the FBI and other law enforcement; from my review of records and reports relating to the investigation, and from debriefings of Confidential Human Sources (CHS's). Unless otherwise noted, wherever in this affidavit I assert that a statement was made, the information was provided by another agent, law enforcement officer or witness who may have had either direct or hearsay knowledge of that statement and to whom I or others have spoken or whose reports I have read and reviewed. Such statements are among many statements made by others and are stated in substance and in part unless otherwise indicated. Since this affidavit is being submitted for the limited purpose of filing a complaint for the below-mentioned criminal offenses, I have not included details of every aspect of the investigation. Facts not set forth herein are not being relied on in supporting probable cause for the complaint. Nor do I request that this Court rely on any facts not set forth herein in reviewing this application.

**C. Background and Structure of Mongolian Boys Society / Mongolian Blood Society**

**a. Background of MBS**

13. In 1985, a Hmong gang known as Peace MOD was formed in Fresno, California in response to acts of Norteño, Bulldogs, Crips, Bloods, and other Asian gangs. Several years later, a handful of Hmong youth broke off from Peace MOD due to a possible power struggle between members. The rift caused Peace MOD to break into three separate gangs, one of which included the Mongolian Boys Society (MBS). MBS is a nationwide gang whose members operate in multiple jurisdictions across the United States. At various times relevant to this complaint, VANG, DELGADO, and XIONG and others, were members and associates of the Mongolian Boys Society, aka the Mongolian Blood Society, a violent criminal street gang (hereinafter referred to as "MBS"), a criminal organization whose members and associates engage in acts of violence, including murder, home invasion, rape, narcotics sales, illegal possession of firearms, and other crimes, often with the purpose of intimidating rival gang members and members of the community, and to protect their "turf" and fellow gang members.

14. The gang came to the attention of authorities in October 1999, when twenty-three members of MBS were arrested for a number of different gang rapes that occurred in 1998. The MBS

1 members were convicted for luring numerous girls to their motel room, and then the gang members took  
2 turns raping the girls. It was believed that the gang lured the girls to the location and then gave them  
3 drugs to consume. Once there, the girls were isolated and systematically attacked by the gang for the  
4 purpose of sexual violence. After raping the girls, the gang would then force the victims to prostitute  
5 themselves.

6 **b. MBS Activity in Fresno, California**

7 15. Members and associates of MBS signify their membership by wearing tattoos, including  
8 having "MBS" tattooed on their chest, back, neck or another part of their body. Moreover, MBS  
9 members identify one another using monikers. MBS members and activities are typically centered in  
10 Fresno and Visalia, California.

11 16. Members are typically "put in" or initiated into the gang by other, more senior gang  
12 members. In that regard, MBS has a rank structure where older members, sometimes referred to as  
13 "OG's" (or "original gangsters") operate as decision-makers for gang activities. Lower ranking  
14 members are required to seek approval from higher ranking members prior to acting against rival gang  
15 members.

16 17. MBS gang members are expected to protect the name, reputation, and status of the gang  
17 and its individual members from harm, insult, or disrespect by rival gang members and other persons.  
18 To protect the gang and to enhance its reputation, MBS members are expected to use any means  
19 necessary, including acts of intimidation and violence, to obtain respect from those who show its  
20 members disrespect, including rival gangs. MBS's rival gangs include the AC (Asian Crips), ABZ  
21 (Asian Boyz), and URC (Unknown Regulator Crew or Unknown Rapist Crew).

22 18. MBS gang members earn money by committing criminal acts, including robberies and  
23 selling narcotics. MBS members and associates commit acts of violence to maintain and enhance  
24 membership and discipline within the gang, as well as violence against rival gang members, those  
25 perceived to be rival gang members, rivals in general, or those who disrespect or commit violence  
26 against MBS members.

27 19. In the County of Fresno, California, MBS members have committed numerous criminal  
28 violations to further the gang's objectives. From 2010 to the present, MBS members were involved in

1 incidents involving narcotics possessions and sales, while acting in concert with other MBS members, to  
2 traffic in controlled substances. As part of these efforts, MBS members often possessed firearms to help  
3 further their narcotics trafficking efforts.

4 20. MBS members have also used force or threats of force to collect gang-related debts. In  
5 that regard, individual MBS members have used force to collect debts for fellow gang members noting  
6 that a debt owed to an individual member is owed to the gang.

7 21. To further the gang's objectives, MBS members have also carried out various robberies,  
8 home invasions, and committed mail theft to earn funds for the gang and its members.

9 22. MBS members and associates communicate about gang activities with other MBS  
10 members using mobile telephones, telephone text messages, and other modes of electronic and wire  
11 communications.

12 23. MBS, including its members and associates, constitutes an enterprise as defined in Title  
13 18, United States Code, Section 1959(b)(2); that is, a group of individuals associated in fact that  
14 engaged in, and the activities of which affected, interstate and foreign commerce. The enterprise  
15 constitutes an ongoing organization whose members function as a continuing unit for a common purpose  
16 of achieving the objectives of the enterprise.

17 **c. Purposes of the Enterprise**

18 24. The purposes of the enterprise included, but are not limited to, the following:

- 19 a) Enriching members and associates of MBS through, among other things, theft,  
20 attempted murder, battery, and the possession and distribution of illicit narcotics;  
21 b) Preserving and protecting MBS criminal ventures through the use of violence and  
22 threats of violence against members of rival criminal organizations or community  
23 members;  
24 c) Promoting and enhancing the reputation and position of the MBS criminal street  
25 gang with respect to rival criminal organizations and other community members; and  
26 d) Keeping its victims and witnesses in fear of the enterprise and in fear of its  
27 members and associates through threats of violence and violence.  
28

1                                    **d.        Means and Methods of the Enterprise**

2            25.        Among the means and methods by which the members and associates of MBS conducted  
3 and participated in the conduct of the affairs of the enterprise were the following:

- 4                    a)        MBS members and their associates committed, attempted and threatened to  
5                    commit acts of violence, including acts involving murder, battery causing serious bodily  
6                    injury, assault, home invasion, and robbery, to protect and expand the enterprise's  
7                    criminal operations.  
8                    b)        Employing the above-mentioned methods, MBS members and their associates  
9                    promoted a climate of fear through violence and threats of violence;  
10                   c)        Members of the enterprise and their associates used and threatened to use physical  
11                   violence against various individuals; and  
12                   d)        MBS members and their associates trafficked in narcotics.

13           26.        The above-described MBS enterprise, through its members and associates, engaged in  
14 racketeering activity as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1),  
15 namely, acts involving robbery in violation of California law, and offenses involving trafficking of  
16 controlled substances in violation of Title 21, United States Code, Sections 846 and 841(a)(1).

17                                    **II.        PROBABLE CAUSE**

18           27.        On Sunday, November 17, 2019 at about 4:19 am, Fresno Police Officers were  
19 dispatched to 3904 E Dwight Way, Apt 102, regarding a home invasion that resulted in a gunshot victim  
20 (designated as "Victim R" for the purposes of this document). When officers arrived on the scene, the  
21 suspect(s) had already fled the area and Victim R died from his injuries.

22                    **A.        Murder of Victim R Summary of the Planned Retaliation**

23           28.        The Fresno County Police Department began to investigate the shooting, and  
24 subsequently interviewed Johnny XIONG, Pao VANG, and Jhovanny DELGADO.

25           29.        MBS gang members met on November 17, 2019, for the purpose of planning a retaliatory  
26 murder that was in response to the killing of "Victim R," who was murdered on November 17, 2019,  
27 following a wedding on November 16, 2019. MBS gang members believed Victim R was killed by  
28 Asian Crip gang members who operated under a belief that Victim R was an MBS gang member.



30. At the meeting where MBS members discussed the plan, higher-ranking MBS members selected the neighborhood and residence located as 5361 E. Lamona Ave. in the city of Fresno (Fresno County) for retaliation. This location was selected as a target because MBS members believed that Asian Crips resided at or frequented the residence, who were described as the “enemy” during the MBS meeting.

31. After the target location was selected, the shooters were selected or volunteered, and were provided a .40 caliber Glock handgun fully-automatic 9mm Glock handgun (i.e. machinegun as defined in 26 U.S.C. § 5845). MBS gang members Coconspirator 2, Coconspirator 3 and others rode in the car with the designated shooters.

32. MBS gang members Pao VANG aka “Clownsy,” Jhovanny DELGADO aka “Jhio,” and Johnny XIONG were designated as lookouts. The lookouts attended the meeting outlining the planned retaliation and understood that the objective was to kill individuals at the designated target residence. The lookouts positioned themselves at corners on the periphery of the neighborhood where the target residence was located to report the presence of law enforcement to the shooters or other gang members.

33. Thereafter, on November 17, 2019, the MBS shooters killed four individuals and injured at least six others using the .40 caliber Glock handgun and the fully-automatic 9mm Glock handgun that were provided during the meeting discussing retaliation.

**B. December 26, 2019 Interview of Johnny XIONG**

36. On December 26, 2019, the Fresno Police Department interviewed Johnny XIONG. After being read his *Miranda* rights and waiving those rights, XIONG provided the following information in summary:<sup>1</sup>

37. XIONG heard about a wedding taking place on November 16, and on November 17, 2019, XIONG received a message on Facebook indicating Victim R passed away. XIONG then received a phone call from another MBS member noting that the gang was “having a meeting.” XIONG was told to attend the meeting and received a text indicating the location of the meeting.<sup>2</sup>

<sup>1</sup> Paragraphs that contain phrases with quotation marks indicate XIONG’s verbatim statements.

<sup>2</sup> XIONG subsequently identified a picture of the rental home at 5764 E. Pitt Ave., Fresno, California as the meeting place.



1           38.     According to XIONG, “the whole gang” attended the meeting. XIONG identified Pao  
2 VANG aka “Clownsy,” and Jhovanny DELGADO aka “Jhio,” and other MBS members as being present  
3 at the meeting.

4           39.     At the meeting, the MBS gang members spoke in the living room about retaliating “for”  
5 “Victim R” and then “planned it out.” The plan was to “scope out” the neighborhood, then place  
6 lookouts to ensure no law enforcement officers were in the vicinity. Two MBS gang members  
7 volunteered to be “triggermen” for the plan. XIONG did not know where Coconspirator 1 and  
8 Coconspirator 2 obtained the firearms; he only knew that “they’re the shooters.” Lookouts were  
9 selected and told where to set up their vehicles. XIONG was in a lookout car, and his wife was in the  
10 car with him;<sup>3</sup> P. VANG drove a lookout car by himself; DELGADO drove a lookout car with another  
11 passenger; and Coconspirator 3 drove the car with the “triggermen.”]

12           40.     The neighborhood for the retaliation was selected because it contained “the enemy’s  
13 house.” XIONG further identified the “enemy’s house” as “the house that got shot,” noting that “they’re  
14 responsible for [Victim R],” and that “we have some conflict with them,” while affirming that the  
15 occupants of the house were “AC.”

16           41.     XIONG drove to the am/pm at Clovis and Olive to set up his lookout position and was  
17 unaware of where the other cars went. XIONG picked the spot because it was close to where “they were  
18 at.”<sup>4</sup> The car driving the shooters, including Coconspirator 1, Coconspirator 2, and Coconspirator 3 was  
19 the only vehicle that actually entered the neighborhood.

20           42.     MBS members initiating the retaliatory murder did not know specifically who would be  
21 at the house on November 17, 2019, but had previously “been seeing [the occupants of the home] come  
22 by” and “knew where they lived.” XIONG said that the victims did not have to be “gangsters” per se,  
23 and that “one of [the] sons” or “at least one person” of the family who lived in the home is “affiliated.”  
24 XIONG did not know who was an AC affiliate, but knew that the person was not one of the victims.  
25 XIONG stated that another innocent bystander “took [the AC affiliate’s] bullet for him.”  
26

27           <sup>3</sup> XIONG identified a picture of his vehicle.

28           <sup>4</sup> Based on my training and experience and the context of the case, I believe XIONG is referring  
to the location of the shooting.

1           **C.     December 26, 2019 Interview of Pao VANG**

2           43.     On December 26, 2019 Pao VANG aka "Clownsy," was interviewed at Fresno Police  
3 Headquarters by Fresno Police Homicide Detectives. After being read his *Miranda* rights and waiving  
4 those rights, VANG provided background information about himself including his phone number and  
5 address. When questioned, VANG admitted to having a Mongolian Boys Society (MBS) tattoo on the  
6 back of his neck. Throughout the interview, VANG admitted to associating with numerous MBS gang  
7 members. VANG also identified numerous MBS members using their monikers.

8           44.     VANG was aware of a wedding that took place on November 16, 2019, in the city of  
9 Fresno that was attended by MBS gang members and members from a rival gang known as the Asian  
10 Crips (AC). VANG indicated there was tension at the wedding between members of MBS gang  
11 members and Asian Crips. The following day, VANG learned of the death of "Victim R." Thereafter,  
12 VANG was told to attend an MBS gang meeting at 5764 E. Pitt Ave Fresno, CA. During the meeting,  
13 MBS gang members discussed Victim R's death and planned to retaliate against the Asian Crip street  
14 gang. The meeting was led by MBS gang member Coconspirator 4 who selected the shooters.

15           45.     VANG drove a vehicle and acted as a lookout for the planned homicide. Coconspirator  
16 1, Coconspirator 2, and Coconspirator 3 went to the neighborhood to find Asian Crip gang members.

17           **D.     December 30, 2019 Interview of Jhovanny DELGADO**

18           46.     On December 30, 2019, at approximately 4:32 p.m., Fresno Police Department (FPD)  
19 conducted a videotaped interview of Jhovanny DELGADO (AKA: Jhio), at the Fresno Police  
20 Department Homicide interview room. After the detectives read DELGADO his *Miranda* rights, which  
21 DELGADO then waived, he provided the following information:

22           47.     DELGADO was a member of the Mongolian Boys Society gang (MBS). He had been a  
23 member of MBS for approximately three or four years. DELGADO was "put on" (or initiated into)  
24 MBS by about nine gang members. He identified the following five people as individuals who "put him  
25 on" MBS, using their street names or monikers. According to DELGADO, the leaders of MBS are the  
26 older members, or the "OGs" (original gangsters).] He believed that Coconspirator 4, was a higher  
27 ranking member. Below him and the OGs, the gang members are basically on the same level.

28           48.     DELGADO stated that MBS made money through robberies, selling weed, or any other

1 way they could get money. He stated that the gang members kept the money they made, but would buy  
2 food or weed for the others with that money. AC (Asian Crips), ABZ (Asian Boyz), and URC  
3 (Unknown Regulator Crew or Unknown Rapist Crew) are rival gangs of the MBS. DELGADO  
4 explained that the OG's used to require the younger gang members to make a call, or get the okay from  
5 them, before acting on or against a rival gang member; however, they have since been given the go  
6 ahead to just "handle it" on their own when they see a rival gang member as long as they don't "be  
7 stupid." When asked what he meant by "handle it," DELGADO clarified he meant to fight or kill the  
8 rival gang member. He also clarified that not being "stupid" meant not getting caught or killed.  
9 According to DELGADO, if you are selected to do something by an OG in MBS and you don't go along  
10 with it, you will get "checked" or "rolled out."<sup>5</sup>

11 49. The Fresno MBS used to have three or four residences where the gang would typically  
12 "hang." DELGADO identified the residences to belong to MBS gang members.

13 50. On November 17, 2019, DELGADO received a phone call where he was told that Victim  
14 R had been murdered and was told to attend a MBS meeting at the house. The meeting was to discuss  
15 what happened to Victim R and to decide what action to take. DELGADO identified the following  
16 individuals (by their monikers) as being present with him during the meeting at the rental house,  
17 including "Johnny" (Johnny Xiong), Coconspirator 2, and Coconspirator 4.

18 51. After some time, Coconspirator 2, Coconspirator 3, Coconspirator 4, "Clownsy," and  
19 another Asian male went into a separate room to discuss what action to take. DELGADO was asked to  
20 be a lookout, and DELGADO agreed knowing that if he refused, he would have been "checked." As the  
21 meeting went on, MBS leaders used Google Maps to identify houses they believed belonged to rival AC  
22 or ABZ gang members to select targets.

23 52. After the a target house was selected, Coconspirator 2 and Coconspirator 3 pulled out two  
24 guns from a black duffel bag, set them on the bed, and began to clean and oil them. The firearms were  
25 identified as a fully automatic Glock and a .40 caliber Glock. DELGADO admitted to knowing that one  
26

27 <sup>5</sup> Based on my training and experience, I believe that in gang culture when one is "checked" or  
28 "rolled out," it indicates that one was seen as weak or vulnerable and was subsequently assaulted by  
other gang members.

1 firearm was fully automatic because of the attachment on the gun. Several minutes later, DELGADO  
 2 and the other MBS members who were enlisted to participate in the shooting left the meeting to carry  
 3 out their plan.

4 53. Upon leaving the rental house, the MBS members went there to look for ABZ and shoot  
 5 them. About ten minutes later, Coconspirator 3 called Coconspirator 4 and said it was done.

6 **E. Investigation by Law Enforcement and Corroboration of Subjects' Statements**

7 54. On Sunday, November 17, 2019 at about 4:19 am, Fresno Police Officers were  
 8 dispatched to 3904 E Dwight Way, Apt 102, regarding a home invasion that resulted in a gunshot  
 9 victim. When officers arrived on the scene, the suspect(s) had already fled the area. The two surviving  
 10 residents informed officers that their brother, Victim R, had been shot. Victim R was pronounced  
 11 deceased on scene.

12 55. On Sunday, November 17, 2019 at about 7:48 pm, Fresno Police Officers were  
 13 dispatched to 5361 E Lamona Ave in the city of Fresno (Fresno County) regarding multiple shooting  
 14 victims. Officers arrived on scene and located ten shooting victims. Three deceased persons were  
 15 located on the backyard patio near the back door of the residence. A fourth victim, was transported to  
 16 Community Regional Medical Center (CRMC) but he had succumbed to his injuries.

17 56. After securing the crime scene, nineteen expended shell casings were located in the  
 18 backyard; they were 9mm and .40 caliber.

19 57. During the Fresno Police Department's investigation, phone numbers for Coconspirator  
 20 3, Pao VANG, Coconspirator 2, and others were obtained. Federal Bureau of Investigation (FBI)  
 21 personnel determined that the phones associated with Coconspirator 2, Pao VANG, and Coconspirator 3  
 22 placed them in the area of the Pitt Ave residence at the time of the MBS gang meeting. Later that  
 23 evening, Coconspirator 3's cell phone was in the area of Peach and Olive in Fresno at about 19:29  
 24 hours.<sup>6</sup> At 19:51 hours (three minutes after Fresno PD was notified of the shooting), Coconspirator 3's  
 25 cell phone places him on Peach Ave, just south of Highway 180.<sup>7</sup>

26 <sup>6</sup> Based on my knowledge of the city of Fresno, I know that 5361 E. Lamona Ave. is located just  
 27 northeast of Peach/Olive.

28 <sup>7</sup> Based on my knowledge of the city of Fresno, I know that Highway 180 runs just south of  
 Olive Avenue.

58. On Tuesday, December 17, 2019, the Clovis Police Department responded to an area where a person was reportedly breaking into mailboxes. The subject vehicle was stopped by Clovis Police Officers; they subsequently contacted driver Coconspirator 3 along with several passengers. Coconspirator 3 was arrested for the mail theft. During a search of the vehicle, an officer located a Glock Model 17 9mm fully-automatic handgun and two high-capacity magazines.

59. The 9mm Glock handgun seized as part of the stop was transported to the Fresno Police Department for NIBIN testing. After the casings were tested, it was determined that the casings matched the 9mm used in the quadruple homicide on November 17, 2019, in Fresno, CA.

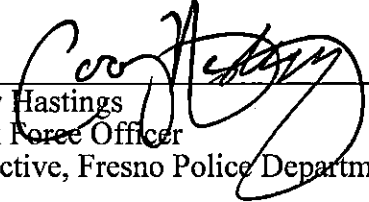
60. On Thursday, December 26, 2019, a seventeen-location search warrant was executed by a multi-agency investigative team, including the Fresno Police Department, the Fresno County Sheriff, the Fresno County District Attorney's Office, and the Federal Bureau of Investigation (FBI). During the execution of the search warrant, a .40 caliber handgun was located at the residence of an MBS gang member.<sup>8</sup> The .40 caliber handgun was test-fired and the casings were analyzed. The test confirmed that the .40 caliber handgun recovered from the MBS gang member's residence matched the .40 caliber firearm used in the quadruple homicide.

### III. CONCLUSION

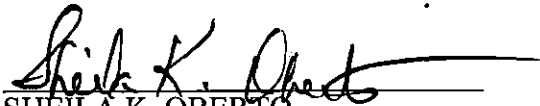
61. I believe there is probable cause to believe that VANG, DELGADO, and XIONG committed a violation of Title 18, United States Code, Sections 1959(a)(5), conspiracy to commit murder, in aid of racketeering, that is on or about November 17, 2019, in the county of Fresno, State and Eastern District of California, for the purpose of gaining entrance to and maintaining and increasing position in MBS, an enterprise engaged in racketeering activity, Pao VANG, Jhovanny DELGADO, Johnny XIONG, and others unlawfully and knowingly conspired to commit murder, in violation of California Penal Code, Sections 182 and 187.

<sup>8</sup> The search warrant was executed at 4015 E. Washington Avenue, Fresno, California.

1  
2 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
3 knowledge.

4  
5   
Cory Hastings  
Task Force Officer  
Detective, Fresno Police Department  
6

7 Sworn and subscribed to before me  
8 this 2<sup>nd</sup> day of January, 2020.

9   
10 SHEILA K. OBERTO  
U.S. Magistrate Judge

11 Reviewed as to form

12 /s/Thomas M. Newman  
13 THOMAS M. NEWMAN  
14 KIMBERLY A. SANCHEZ  
Assistant U.S. Attorney  
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